

Attorney Docket No.: DC0258US.NP
Inventors: Supattapone and Deleault
Serial No.: 10/553,591
Filing Date: January 17, 2006
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REMARKS

Claims 4-5 are pending in this application. Claims 4-5 have been rejected. Claim 4-5 have been canceled. Claims 6-7 have been added. No new matter has been added by this amendment. Applicants are respectfully requesting reconsideration in light of the amendments to the claims and the following remarks.

I. Withdrawn Rejections

Applicants acknowledge the withdrawal of the rejections under 35 U.S.C. §§ 101 and 102.

II. Rejection of Claims Under 35 U.S.C. 112

Claims 4-5 have been rejected under 35 U.S.C. 112, first paragraph, as failing to meet the written description and enablement requirements. Page 3, ¶2 of the Final Rejection states:

Specifically, the limitation reciting, '...consisting of ribonucleic acid molecules enhance...', added in Applicant's response dated September 15, 2008, was not contemplated in the disclosure at the time the application was filed, and thus, is new matter.

Page 4, ¶2 of the Final Rejection further states:

In the instant case, since the specification does not provide evidence of even one absolute molecular structure of an RNA molecule responsible for enhancing amplification of Prp^{sc}, Applicant's disclosure cannot possibly provide a meaningful method for making a composition consisting of only that RNA molecule which possesses the claimed characteristic.

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Applicants respectfully disagree with this rejection. Applicants have presented evidence that RNA isolated from brain homogenates can enhance Prp^{sc} amplification. See page 6, lines 25-30. In addition, when this RNA was further fractioned by ultrafiltration and oligo-dT chromatography, the RNA that enhanced Prp^{sc} amplification was characterized as not binding to the oligo dT column and being >300 nucleotides. See page 7, first full paragraph. Accordingly, in an earnest effort to clarify the nature of the claimed subject matter, Applicants have canceled claims 4-5 and added new claims 6-7 drawn to an ultrafiltration fraction of >300 nucleotide ribonucleic acid molecules, which does not bind to an oligo dT column and enhances the amplification of PrP^{sc}. Support for this amendment is found in claim 1 as originally filed, at pages 6 and 7 of the specification and Example 6 at page 20. In so far as the RNA fraction of the disclosure is substantially free of contaminants (see page 8, lines 15-17), Applicants disclosure fully supports the RNA molecules as claimed. Therefore, it is respectfully requested that the rejection of the claims under 35 U.S.C. 112, first paragraph, be reconsidered and withdrawn.

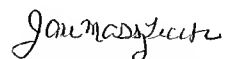
III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Advisory Action of record. Accordingly,

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favorable reconsideration and subsequent allowance of the
pending claim is earnestly solicited.

Respectfully submitted,



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